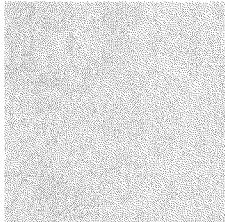


To: Morris, James[Morris.James@epa.gov]
Cc: Patterson, Leslie[patterson.leslie@epa.gov]; Hayward, Julian[Julian.Hayward@ghd.com]
From: Larry Silver
Sent: Tue 3/15/2016 3:41:17 PM
Subject: RE: South Dayton Dump and Landfill Site -- ASAO for RI/FS, with Appendices
[removed.txt](#)
[ASAO RIFS PRP Edits 031516.docx](#)



Jim,

I am attaching the draft Statement of Work to the ASAO for RI/FS for OU1 and OU2, showing redlined edits that my Group proposes.

In addition, my Group is willing to accept into the ASAO the following definition of Operable Unit One, as proposed by Leslie Patterson in an email to Julian Hayward et al., on March 9, 2016:

k. "Operable Unit One" or "OU1" shall mean all areas of the Site potentially used for waste disposal (see Figure 1 of the Statement of Work) including all media including but not limited to waste, soil, groundwater, leachate, surface water, landfill gas and soil vapor within and beneath the extent of waste.

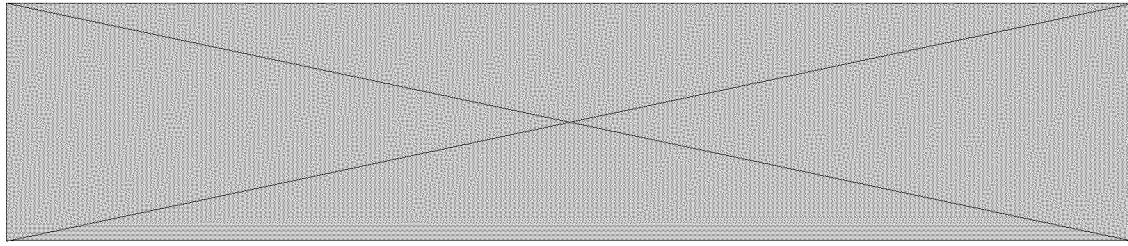
Let me know if there are any questions or concerns with the proposed changes to the SOW. Looking forward to reviewing the next drafts.

Regards,

Larry

Larry Silver
lsilver@lssh-law.com

Direct: 215.239.9023



1818 Market Street, Suite 2610, Philadelphia, PA 19103-5319
215-732-3255 | FAX: 215-732-3260

65 South Main Street, Suite B103, Pennington, NJ 08534
856-727-0057 | FAX: 856-727-0315

www.lssh-law.com

From: Larry Silver

Sent: Tuesday, March 01, 2016 1:45 PM

To: Morris, James <Morris.James@epa.gov>

Subject: RE: South Dayton Dump and Landfill Site -- ASAOC for RI/FS, with Appendices

Jim,

Thanks very much for meeting with me, Steven Lemon and Robin Lunn in Chicago last week.

Please see attached my group's proposed edits to the new ASAOC for RI/FS. As you can see there are just a few proposed edits. Please note that the wording in the final draft of the document is subject to final approval of Hobart Corporation, NCR Corporation and Kelsey-Hayes Company.

As to the SOW, I understand that representatives of my group's Technical Committee will be discussing some questions on the SOW by phone with Leslie Patterson this Friday, March 4, which may result in some proposed language changes.

Please feel free to contact me to discuss any issues regarding the ASAOC.

Regards,

Larry

Larry Silver
lsilver@lssh-law.com

Direct: 215.239.9023



1818 Market Street, Suite 2610, Philadelphia, PA 19103-5319
215-732-3255 | FAX: 215-732-3260

65 South Main Street, Suite B103, Pennington, NJ 08534
856-727-0057 | FAX: 856-727-0315

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From: Morris, James [<mailto:Morris.James@epa.gov>]

Sent: Thursday, February 18, 2016 10:37 AM

To: Larry Silver <lsilver@lssh-law.com>

Subject: RE: South Dayton Dump and Landfill Site -- ASAOC for RI/FS, with Appendices -- For Signature

Hi Larry—attached are the Word versions of the .pdfs sent yesterday. You'll see that many of the revisions I made simply stem from my being a former English major (although I've learned not to tamper too much with EPA boilerplate).

I don't have a problem with attaching the ICS as Appendix C to the order—if we do that, I would also reference "Appendix C" in the definition of "Past Response Costs" in paragraph 14.o.

Thanks,

Jim

From: Larry Silver [<mailto:lsilver@lssh-law.com>]

Sent: Thursday, February 18, 2016 8:56 AM

To: Morris, James <Morris.James@epa.gov>

Subject: RE: South Dayton Dump and Landfill Site -- ASAOC for RI/FS, with Appendices -- For Signature

Jim – thanks for the drafts. Would you be able to send me word versions of the current drafts? My clients have asked me to create a compare to the October drafts.

Tom Nash and I discussed adding as an appendix the Itemized Cost Report for the \$519,523.55 pre-2006 ASAOC costs being paid under this Order. Tom sent me that ICR, which is attached here (and the post-2006 ASAOC ICR) by email dated September 2, 2015.

It is of some importance to us that we are able to identify the specific Past Costs being paid under this new order. I would be happy to discuss this further with you on Tuesday.

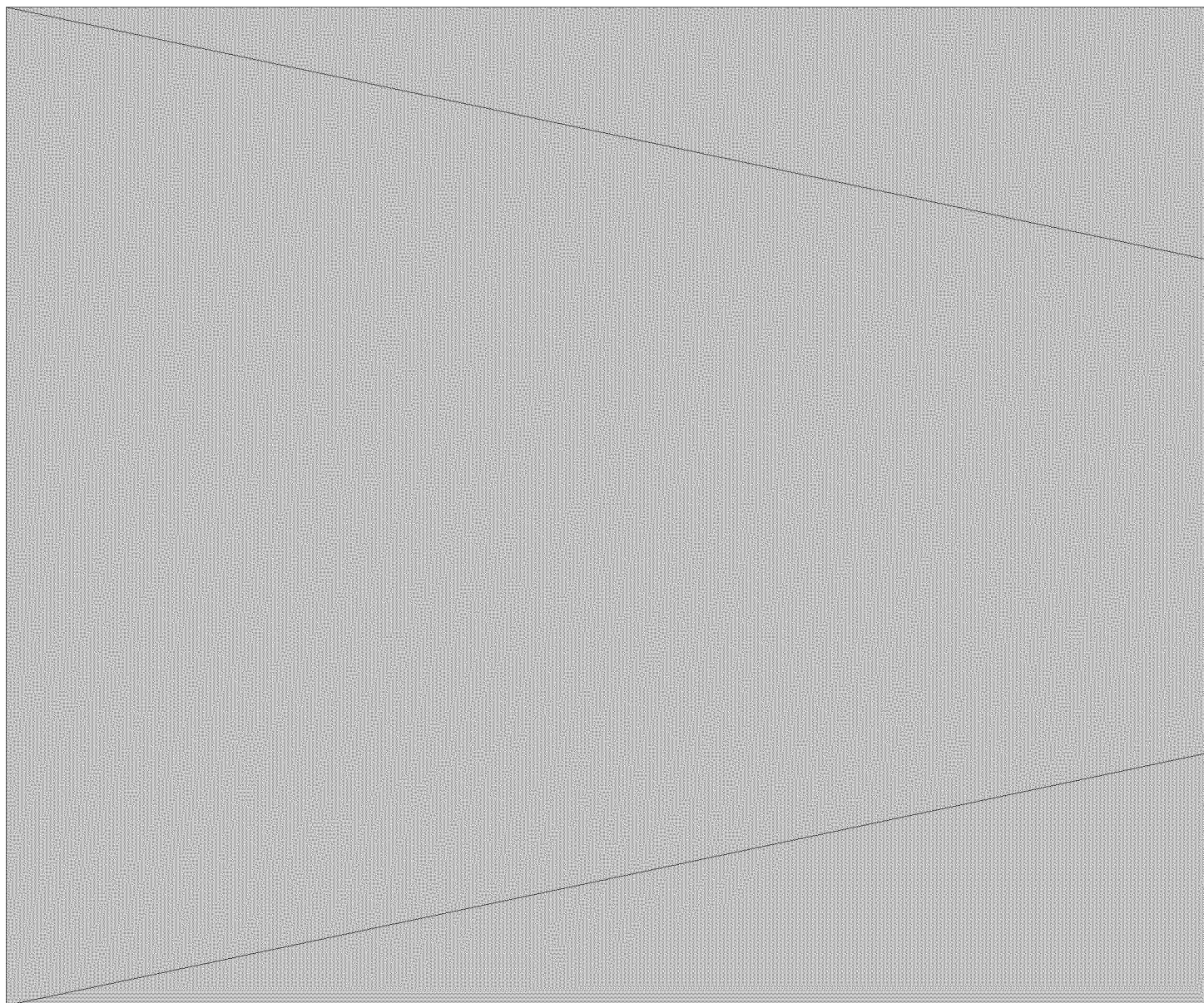
We will review the draft ASAOC and SOW as quickly as possible so that we can give you the signal to initiate the approval process.

Regards,

Larry

Larry Silver
lsilver@lssh-law.com

Direct: 215.239.9023



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215-732-3255 | FAX: 215-732-3260

65 South Main Street, Suite B103, Pennington, NJ 08534
856-727-0057 | FAX: 856-727-0315

www.lssh-law.com

From: Morris, James [<mailto:Morris.James@epa.gov>]

Sent: Wednesday, February 17, 2016 3:47 PM

To: Larry Silver <lsilver@lssh-law.com>

Subject: South Dayton Dump and Landfill Site -- ASAO for RI/FS, with Appendices -- For Signature

Hi Larry,

I'm running a little behind schedule today, but, before I left the office, I wanted to at least share with you revised .pdfs of the RI/FS consent order and appendices for the South Dayton site.

With respect to the consent order itself, I have cleaned it up somewhat and corrected some formatting errors. I have also eliminated some unnecessary definitions and inserted the respondent and contact information that you recently provided to me. Most importantly, I have revised paragraph 110 (and other corresponding sections) to reflect the tentative agreement in principle that we spoke about by telephone on January 28th. In accordance with that agreement, the only provision of the 2006 consent order that would remain in effect following the effective date of the attached order would be the retention of records provision. I believe this was the last sticking point in your previous discussions with Tom Nash.

With respect to the statement of work for the RI/FS (Appendix A), attached, the document remains virtually the same as the last version you saw. A few typos have been corrected, and one draft deliverable was deleted.

If you believe the attached documents will be acceptable to your clients, please let me know, and I will initiate the approval process on this end while you secure signatures. Also, please feel free to give me a call with any questions. I look forward to meeting you during your visit to Chicago on February 23rd.

Thanks,

Jim

James Morris

Associate Regional Counsel

Office of Regional Counsel (C-14J)

U.S. Environmental Protection Agency, Region 5

77 West Jackson Blvd.

Chicago, IL 60604-3590

312.886.6632 (direct)

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